

H. R. 411.

[No Report.]

IN THE HOUSE OF REPRESENTATIVES,

DECEMBER 12, 1850.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. JAMES THOMPSON, from the Committee on the Judiciary, reported the following bill:

A BILL

To regulate the practice of the courts in granting special injunctions in patent cases.

1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the United States of America in Congress*
3 *assembled,* That no special injunction shall be issued or
4 allowed in any patent case, before final hearing, by any
5 court of the United States, unless the complainant or com-
6 plainants, shall first enter into a bond with sufficient secu-
7 rity, to be approved by the said court or judge thereof, in
8 such sum as the said court or judge thereof may deem
9 sufficient, conditioned, that if upon the final hearing, or trial
10 at law, of such patent case, it shall be decided against such
11 complainant or complainants, he or they will pay or cause

12 to be paid to the party or parties defendant, the full amount
13 of damages which the said party or parties may have sus-
14 tained by reason of the granting of such special injunction,
15 and all costs. Nor shall such injunction issue in any event,
16 if the said party or parties defendant shall, within thirty days
17 after notice of a motion for such injunction, enter into a
18 like bond with sufficient security, to be fixed and approved
19 of as aforesaid, conditioned, that the said party or parties
20 defendant shall and will pay, or cause to be paid, to the
21 said complainant or complainants, the damages and costs
22 which may be recovered against him or them, either at law,
23 or on the final hearing and decree of the said court. And
24 in any case in which such special injunction shall have
25 been heretofore issued, it shall be the duty of the court to
26 dissolve the same, if the said party or parties defendant
27 shall give such bonds with security as aforesaid. And in
28 any case now pending, wherein notice of a motion for in-
29 junction as aforesaid may have been given, the said party
30 or parties defendant shall be allowed to give such bond as
31 aforesaid, with like effect as if the same had been given
32 within thirty days after such notice under the provisions
33 of this act. And the said bonds shall be filed among the
34 records in said court, and exemplifications thereof shall be
35 evidence in any court in which any such bond or bonds
36 may be sued, and when forfeiture or a right of action shall

37 have accrued thereon, may be sued and recovered upon in
38 the said court as bonds are now by law recoverable : *Pro-*
39 *vided*, That any such suit or suits shall be commenced on
40 such bond within one year after the final decree made or
41 injunction granted.